

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MARK E. ANDERSON,

Plaintiff,

vs.

BITTERROOT HEALTH HOSPICE,
WEST HILLS ASSISTED LIVING,
TODD BOHLING, TERRI
ANDERSON, POLLY ANDERSON,
BILL ANDERSON, JUDGE
HOWARD RECHT, SHERIFF, DR.
COURCHESNE, DR. WOOD, and
DAN BOWDER,

Defendants.

CV 24–12–M–DLC

ORDER

On March 15, 2024, the Court adopted in full the Findings and Recommendation of Magistrate Judge Kathleen L. DeSoto in this matter, which recommended that the Court: (1) grant Defendant Terri Anderson’s Motion to Reject “Notice of Removal” and Remand DG-2023-35 to State Court (Doc. 14) because Plaintiff’s Notice of Removal does not operate to effect removal of the two state court cases identified therein; (2) dismiss Plaintiff’s Amended Complaint (Doc. 9) with prejudice for failure to state a claim on which relief may be granted; and (3) certify that any appeal would not be taken in good faith, pursuant to Fed. R. App. P. 24(a)(4)(B). (Doc. 28 at 18.) Plaintiff’s Amended Complaint was

dismissed and the Clerk of Court entered judgment against Plaintiff the same day. (Doc. 29.)

On March 25, Plaintiff filed a Motion to Transfer Venue, requesting that the Court transfer venue to the District of Guam where he now resides. (Doc. 32.) On April 1, 2024, Plaintiff filed a Notice of Appeal, appealing the Court's Order Adopting Findings and Recommendation to the Ninth Circuit Court of Appeals. (Doc. 35.) Plaintiff's Notice of Appeal divests this Court of jurisdiction. *See Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) (per curiam) (“[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”)

Accordingly, IT IS ORDERED that Plaintiff's Motion to Transfer Venue (Doc. 32) is DENIED AS MOOT.

IT IS FURTHER ORDERED that no further filings will be accepted in this matter.

DATED this 3rd day of April, 2024.



Dana L. Christensen, District Judge
United States District Court